

## Findings and Recommendations

### Major Findings

**Early Action** Research identifies themes and practices that improve the academic outcomes of special education students. These practices overlap with the body of work on effective schools. The overlap suggests that, to improve academic achievement for special education students, priority should be given to successful strategies in general education with attention to inclusive practices (Huberman, Navo and Parrish, 2011, p.5).

School districts should familiarize themselves with the effective schools research base, as well as with themes and practices that improve the academic performance of special education students. This research formed the framework of the Task Force’s discourse, which ultimately provided a conceptual map supporting a more integrated approach to special education as a way to improve quality and reduce costs.

<b>Major Themes</b> (Huberman, Navo & Parrish, 2011, p.13)
• Inclusion and access to the core curriculum
• Greater collaboration between special education and general education teachers
• Continuous assessment and use of Response to Intervention (RTI) <sup>1</sup>
• Use of Explicit Direct Instruction <sup>2</sup>

<b>Effective Practices</b> Effective leadership: instructional and transformational (Huberman, Navo & Parrish, 2012, p.61)
1. Curriculum aligned with the current N.J. Curriculum Framework
2. Effective systems to support curriculum alignment
3. Emphasis on inclusion and access to the curriculum
4. Culture and practices that support high standards and student achievement
5. A well-disciplined academic and social environment
6. Use of student assessment data to inform decision-making
7. Unified practice supported by targeted professional development
8. Access to resources to support key initiatives
9. Effective staff recruitment, retention, and deployment
10. Flexible leaders and staff who work effectively in a dynamic environment

<sup>1</sup> “**Response to Intervention (RTI)** is a multi-tier approach to the early identification and support of students with learning and behavior needs. The RTI process begins with high-quality instruction and universal screening of all children in the general education classroom. Struggling learners are provided with interventions at increasing levels of intensity to accelerate their rate of learning. These services may be provided by a variety of personnel, including general education teachers, special educators, and specialists. Progress is closely monitored to assess both the learning rate and level of performance of individual students. Educational decisions about the intensity and duration of interventions are based on individual student response to instruction. RTI is designed for use when making decisions in both general education and special education, creating a well-integrated system of instruction and intervention guided by child outcome data” (From RTI Action Network, National Center for Learning Disabilities, Washington, DC, <http://www.rtinetwork.org/learn/what/whatisrti>).

<sup>2</sup> Explicit Direct Instruction (EDI) is a model, which includes components for lesson design and specific instructional delivery strategies (Hollingsworth and Ybarra, 2009).

**Response to Intervention** In a guide for school districts on the application of Response to Intervention, a steering committee of the Vermont Department of Education and the University of Vermont states that, “RTI is a process that cuts across general, compensatory, and special education, and is not exclusively a general or special education initiative” (Vermont, 2012, p.1).

A preventive approach is intended to rectify a number of long-standing problems, including the disproportionate number of minorities and English language learners identified as learning disabled and the practice of waiting for documented failure before providing services. The clear...intent is to provide an alternative means of identifying students with learning disabilities and to reduce the number of students who are identified as learning disabled by preventing academic and behavioral difficulties from developing by providing prompt and focused instruction and intervention at the first indication of difficulty (Vermont, 2012, pp.1-2).

**Continuum of Programs** The Task Force believes that special education should be viewed as “a place to visit, not a place to live.” This perception requires us to no longer consider the education system as one that is bifurcated into “special” and “general” sectors. The new vision defines special education as a continuum of interventions, programs and services that any student receives to meet his or her unique needs.

**Staffing Levels** A survey conducted as part of NJSBA’s 2007 study of special education funding identified “personnel,” “transportation” and “out-of-district placement” as the major cost drivers. In the Task Force’s 2013 survey of superintendents and special education directors, “personnel” was the most frequently cited cost driver. The Task Force recognizes the impact of higher classification rates on staffing and, consequently, special education costs.

**Shared services** The Task Force believes that regional provision of related and support services would reduce costs, support inclusion and allow school districts to direct more resources to the delivery of services at the classroom level. The state should provide incentives for sharing on regional or county bases while removing any regulatory and financial obstacles.

## Recommendations

- 1. Early Intervention**—To address over-classification, the state should develop a multi-tiered system of supports, such as Response to Intervention (RTI) and Intervention and Referral Services (I&RS), or a comparable model providing free access to materials and technical assistance to ensure fidelity to the multi-tiered process and alignment to the common core curriculum.

Such research-based approaches would identify students with learning needs at an early stage and implement strategies within the general education setting, while providing on-going assessment and evaluation. They would also address the disproportionate classification of minority students. In addition, this system would present an alternative method for acquiring data to determine a student’s need for special education.

2. **Staffing Analyses**—To control and reduce staffing costs, the state and local school districts should conduct school- and district-based analyses of staffing and service levels. In addition, the state and federal governments should establish regional, state and national benchmarks that identify the utilization of special education financial and human resources (Levenson, 2009).
3. **Shared Services: Regional Delivery Incentives**—NJDOE and local school districts should explore a voluntary Regionalized Special Education Model/Shared Services Model, in which the county special services school districts, the educational services commissions and the jointure commissions serve as coordinated hubs for special education and related services.

Through a “Regionalized Diagnostic Model,” for example, regional child study teams would complete educational evaluations and give results/findings to the local education agency for implementation. By placing such diagnostic functions at the regional or county level, more time would be available for team members to work directly with parents, teachers, and students. Other examples of regional services include: transportation, personnel, professional development, technology, preschool programming and other services that support inclusive practices.

4. **Shared Services: Encourage Local Initiative**—To reduce costs and improve efficiency and quality, New Jersey should provide financial incentives for districts to work on shared-service models with other local districts and on county and regional bases.

Economies of scale often improve programmatic processes and outcomes in addition to being cost-effective. An example is the recent study in the North Hunterdon-Voorhees Regional School District. Wide disparities in classification and staffing patterns exist among the elementary-level districts whose students attend the regional high schools. The study recommended consolidation of policies, procedures and practices related to the identification and evaluation of students with disabilities. The districts are currently working on developing a common policy manual for this purpose.

5. **Shared Services: Medicaid Reimbursement**—To maximize reimbursement under the federal Special Education Medicaid Initiative (SEMI), the state and local school districts should explore the potential effectiveness of creating consortia to complete the administratively burdensome filing process. In addition, the state should streamline current procedures to minimize the administrative burden on school districts.

Currently, a number of eligible districts opt not to file for reimbursement because the resources expended outweigh any benefit. Therefore, New Jersey does not receive federal revenue that would offset the cost of special education.

6. **Shared Services: Eliminate Impediments**—The Task Force also recommends that the state eliminate any impediments to the use of regional and county service models. The state should consider sponsoring a study on ways to further promote participation by governmental agencies in shared services.

In 2007, NJSBA conducted a study of shared services among school districts and municipalities. An example of impediments found by the researchers involved an administrative code provision addressing placement in the least restrictive environment. The researchers determined that the provision was being interpreted by some school officials as limiting the use of county and regional providers (IELP Rutgers-Newark and NJSBA, pp.56-57). The language at issue remains in current regulations. It should be reviewed and clarified by the New Jersey Department of Education (NJDOE) and/or the State Board of Education so that it is not misinterpreted as restricting the shared delivery of programming through county and regional providers.

7. **Shared Services: Transportation**—The NJDOE should continue to encourage shared transportation services through initiatives such as common county calendars and incentives.

The Task Force’s 2013 survey indicates that there is room for growth in shared special education transportation services. Although a wide majority of respondents indicate that they share transportation services, 12.2% identified “transportation” problems, such as school starting and ending times and distance, as obstacles to increasing shared services.

8. **Due Process**—The state should amend existing statute and place the burden of proof in disputes over individual education programs on the party bringing the complaint, rather than on the school district.

Under a 2007 New Jersey statute, the burden of proof in complaints challenging a child’s Individual Education Program (IEP) is always placed on the school district, rather than on the party bringing the complaint. In the Task Force’s 2013 survey of superintendents and special education directors, over 38% of respondents cited the “adjudication process” as an area requiring legislative and regulatory change. Most frequently cited was a need to place the burden of proof on the party bringing the complaint, the usual standard in legal proceedings. In the past, school officials and school board attorneys have expressed concern that the 2007 statute would increase legal fees and staff time to review and prepare documents and make “fear of litigation” a factor in a school board reaching an agreement on an IEP challenge. (For further information on this issue, see “Results of 2013 Survey,” Appendix A of this report, pp.11-13.)

9. **Funding: Effective Strategies**—In an effort to improve student outcomes and determine adequate funding, the state should identify the resources, programs, and delivery models that contribute to improved student performance. In addition, the state should provide technical assistance and funding to promote the implementation of these identified delivery models. Further, the state should promote efforts that “dig deeper into better understanding the cost structures of these approaches” (Baker, *et al.*, 2013, p.113).

The Task Force cites the work of Professor Bruce D. Baker of the Rutgers University Graduate School of Education, which indicates that adequate cost can only be determined after identifying the outcomes we want and the programs that optimally meet those quality indicators in terms of spending.

10. **Funding: Reliable Expenditure Data**—The Task Force recommends that local school districts work with their auditors to put into place processes that ensure the consistency and accurate coding of special education expenditures and reported information.

This recommendation would give school districts the data needed to better manage resources. A district-level calculation of special education costs is critical because of the variability in the level of programs and services provided to students with IEPs across the state. Current state-level data collection does not reflect the differentiation of special education costs in some categories. Local school districts would be able to conduct more specific analyses.

In the course of its work, the Task Force found a lack of reliable statewide expenditure data for special education. This recommendation would also provide more accurate statewide data.

11. **Funding: Medical Needs**—The Task Force recommends adjustment of federal law so that the cost of some related services, regardless of where the services are provided, are considered “medical,” rather than educational.

The cost of related medical needs diverts resources that should be available for special education programming. By appropriately classifying certain services as “medical,” rather than educational, school districts would be able to obtain reimbursement from health insurers.

12. **Funding: Extraordinary Aid**—The state should ensure that school districts and local property taxpayers are insulated from the financial impact of low-incidence, high-cost placements by providing adequate Extraordinary Special Education Cost Aid.

In a 2000 report, the NJSBA Special Education and School Finance Committees called for state payment of the full excess costs of special education. Expansion of the Extraordinary Special Education Costs Aid in 2002 represented a major step toward that goal. In recent years, however, the state has limited district access to extraordinary cost aid by increasing the threshold for its receipt.

13. **Funding: Literacy**—The federal IDEA should allow greater flexibility in the use of funds for supplemental literacy and math programs in more inclusive settings.

The Task Force focused on the work of Nathan Levenson, whose research stresses incorporating a “relentless focus on reading instruction” into special education policies and practices. When reading improves, classification rates drop (Levenson, 2011, p.5). He cites recommendations of the U.S. Department of Education’s What Works Clearinghouse, which include “clear and rigorous grade-level expectations for reading proficiency” and “early identification of struggling readers, starting in kindergarten.”

14. **Funding: Outcomes-Based**—To support and achieve ambitious learning goals, special education funding mechanisms must be restructured to support an outcomes-based paradigm.

Finance systems are complex, intricate and input-based, not student-outcome centered. A system that rewards districts and schools that meet ambitious learning goals, prioritizes

resources, models fairness, transparency, predictability and equity, decreases achievement gaps and provides the opportunity for the development of local educators to manage resources effectively is needed. This could be achieved through a funding mechanism that is sensitive to the legitimate variation in student needs.

15. **Funding: Alternative Sources**—The state should explore predictable and dedicated alternative supplemental methods of special education funding, including, but not limited to lottery, business fees, insurance, and grants.

The 2013 Task Force survey of state education departments and school boards associations identified five states that have alternative funding methods for special education. A New York official, for example, estimated that \$1 billion in lottery proceeds is allocated to special education in his state.

16. **Professional Development**—School districts and regional centers should provide targeted professional development to avoid IDEA violations.

Such training, done regularly, would prevent costly procedural and substantive errors, reduce legal exposure and promote and preserve a positive working relationship among districts and the parents and children that they serve.

17. **Technical Assistance: IDEA Compliance**—The Department of Education should continue to expand professional development and technical assistance to school districts on “applying scientifically based findings to facilitate systemic changes related to the provision of services to children with disabilities, in policy, procedure, practice, and the training and use of personnel” (IDEA, sec.663).

Areas of importance include understanding neurodevelopmental variation, establishing multi-tiered intervention systems, creating an inclusive school culture and climate, monitoring progress, and developing positive parent-educator relationships. Districts that have large numbers of students with IEPs in separate schools and classrooms should receive technical assistance to ensure adequate supports in the least restrictive environment.

18. **Technical Assistance: Facilitating Savings**—The state should redouble its efforts to assist districts in creating efficiencies and improving program quality.

Statute enacted in 2007 (*N.J.S.A. 18A:7-8*) calls on the NJDOE county offices of education to “facilitate shared special education services within the county including, but not limited to, direct services, personnel development, and technical assistance.” Other provisions of the law direct the county offices to work with districts to develop in-district special education programs and services, including providing training in inclusive education, positive behavior supports, transition to adult life, and parent-professional collaboration; and to provide assistance to districts in budgetary planning for resource realignment and reallocation to direct special education resources into the classroom. However, state assistance in these areas has varied among the regions and has been affected by staffing changes in the county offices.

19. **Professional Development: Board Members**—Board of education members should receive training that includes exposure to the legal, fiscal and programmatic aspects of special education to help promote the achievement of all of the students in their districts.

Studies stress (a) the importance of school leaders who can create, support and celebrate a culture of positive relationships, professionalism and trust in special education, and (b) the linkage between effective school board governance and student achievement.

20. **Professional Development: Pre-service Teachers**—The state should require that teacher preparation programs include content in adapting curriculum, instruction and assessment to meet the needs of all learners in the inclusive classroom.

Pre-service teachers should have ample opportunity to learn and apply the instructional methods associated with multiple intelligences, multi-sensory instruction, differentiated instruction, intensive instruction, Universal Design for Learning, curriculum-based assessment, and assistive technology. Pre-service teachers should be equipped to establish learning environments that maximize attention and learning through the careful application of positive behavior supports and effective communication. Further, teacher preparation programs for pre-service teachers earning the Pre-Kindergarten through 3<sup>rd</sup> grade or the elementary education (K-6) certifications should include content in teaching students with reading disabilities.